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Issued July 17, 1907.

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U. S. Department of Agriculture,  
FOREST SERVICE,  
GIFFORD PINCHOT, Forester.

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INSTRUCTIONS FOR EXAMINATIONS.  
AGRICULTURAL SETTLEMENT.  
(Act of June 11, 1906.)

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JULY 1, 1907.

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Canceling all previous conflicting instructions.

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# Agricultural Settlement under the Act of June 11, 1906.

*(Canceling all previous orders and instructions on this subject.)*

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## Part 1.—GENERAL.

It is the policy of the Forest Service to put the lands within National Forests to their best use. All lands which are of value for agriculture, except those necessary for administrative purposes, are for occupation and development by home makers. Under the act of June 11, 1906, which provides for the entry of agricultural lands within National Forests, settlers who will develop the tillable portions of the Forests and maintain permanent homes are welcomed. The Forest Service is anxious that there shall be as many permanent settlers as possible within the Forests; they will always get the benefit of any doubt, but the passage of valuable timberlands from the possession of the Government for speculative purposes under the guise of homesteads will not be tolerated.

The present stage of agricultural development in the West is not a fair criterion by which to judge the ultimate value of the lands for agricultural purposes. With increased knowledge of the science of agriculture and changed market conditions, the area of lands suitable for agricultural purposes is constantly increasing.

Under the terms of the act only lands chiefly valuable for agriculture will be listed. The close relation of pasturage is important, and enough adjoining land, when not

chiefly valuable for Forest purposes, may be granted the applicant to supplement the development of the tillable portions.

Squatters who settled on National Forest land before its withdrawal and who are awaiting surveys to make entry have the same right to occupy and enjoy their holdings as homestead entrymen, and may await survey or apply for the examination of their lands under the act of June 11, 1906, with a view to opening them to homestead entry. Persons who settled in trespass before January 1, 1906, and have not abandoned their claims, may, if qualified, take advantage of the act, and in the meantime may occupy and enjoy their holdings without permit.

Squatters who apply for listing under the act should be informed that since the lands must be chiefly valuable for agriculture, the Forest Service can not guarantee that a full tract of 160 acres will be listed. However, examiners should pursue a liberal policy in examining land on which settlement has been made prior to its withdrawal for Forest purposes, and the actual settler should be given the benefit of any doubt.

Applicants who appear to have the preference right of entry under the act may secure, without charge, a permit for the agricultural use of that portion of the land applied for which, in the opinion of the supervisor, is chiefly valuable for agriculture, provided that the land is not adversely claimed under settlement made before its withdrawal, or after its withdrawal and before January 1, 1906. Land covered with a stand of merchantable timber should not be considered chiefly valuable for agriculture under this paragraph.

Upon request, supervisors should prepare a special-use



application on Form 832 and send it to the applicant for signature, to be returned for action in the usual manner under the special-use regulations.

The following paragraph should be incorporated in each permit :

In the examination of the land under the act of June 11, 1906, to determine its agricultural character, this permit shall not be considered ; neither shall it be construed to give the permittee any preference right of entry under that act. This permit shall terminate when the land is opened to entry under that act ; but if it is shown that the permittee has not the preference right of entry, the listing of land for opening to entry will be deferred by the Secretary of Agriculture to protect the growing crops.

Applications for listing will not be affected by these special-use permits.

Supervisors have been instructed to submit lists of the tracts that may be needed for administrative purposes. Often they base their recommendations only on present needs. The examiner should bear in mind, however, that the National Forest work is in its infancy. In ten years the demands upon the executive force by the public will probably require a ranger to every township. Each ranger will need a headquarters cabin, a small piece of agricultural land, and a horse pasture. In recommending land for administrative purposes, such factors as the distance from towns and future logging operations should be considered. In arid regions, water holes, springs, etc., should not be listed unless it is certain that they are not needed by the Government.

If it is found that a tract of land applied for is essential for a reservoir site for the water supply of a city, or for the protection of a supply already established, this would be regarded by the Forest Service as a higher use of the land

than cultivation by one settler. If the area constitutes the key to the transportation of a block of timber, and its loss would seriously hamper the Forest Service in the disposal of this timber, the application should be denied. The retention of a right of way should be given the most careful consideration. It should be remembered that if this land is listed and passes from the United States it is given away in fee simple, and the Forest Service can make no stipulation as to its future use.

#### Part 2.—DIRECTION.

The direction of the examination of agricultural lands within National Forests under the act of June 11, 1906, will be under the control of the chief inspectors.

The work will be done according to the following plan: Lists of all applications, together with detailed plats, will be sent to each supervisor concerned. Duplicate lists of applications (without plats) will be sent to each chief inspector concerned. The examinations will be made, when possible, by men engaged on boundary work, or, if desirable, by inspectors, working always under the direction of the chief inspector, who will secure advance information, through his examiners or by correspondence with the supervisor, of the general character of all lands applied for. As a rule, all those applications upon which it is likely that favorable action will be taken should be examined and reported upon first, and the chief inspector will plan the work accordingly. He may turn over to the supervisor applications upon which favorable action is expected. When in the judgment of the chief inspector all applications on a National Forest can be safely handled by the supervisor without arousing a strong adverse

local sentiment against the supervisor's administration, he may turn them over to him.

Supervisors are hereby instructed to examine promptly such claims as may be turned over to them by the chief inspectors.

All reports will be addressed to the Forester. They will be submitted through the supervisor and the chief inspector. If either of these officers disagree with any recommendation of an examiner, he will attach a note to that effect. The chief inspector will approve or disapprove each report.

The examiners will always consult freely with the supervisor, both before and after the field work.

### Part 3.—EXECUTION.

All reports should be made on Form 110. On account of the urgency of the work and in order that reports may be submitted with reasonable promptness, examiners may write their reports with pen during their trips when this will make a distinct saving of time and money. Special care must be taken to make reports and maps legible, although the work need not be done in finished style.

The examination should include all land in the vicinity for which application has been made or is likely to be made, and thus obviate the necessity and expense of another trip into the same neighborhood upon subsequent applications. When adjacent areas are reported a separate form (110) should be used, and no reference to the additional listing of land in the report upon an area applied for should be made. When contiguous areas are recommended for listing, the word "General" should appear after the heading "Name and address of applicant," as

provided for on the form. Mapping of contiguous areas must be made only on Form 110.

General maps of topographic units, such as watersheds, will be made only in the discretion of the inspector or supervisor where it can be said conclusively that all subsequent applications should be rejected, or where general areas are examined with the same accuracy as lands covered by individual applications. This requires the establishment of initial monuments on unsurveyed land recommended for listing. All maps must be drawn on the scale of 8 inches to the mile. No reports need be made in duplicate.

If the land applied for is included in a pending entry, the report need only show the name of claimant, description of the land, and kind of entry. If the land has been withdrawn or recommended for withdrawal for administrative purposes (rangers' quarters, nursery sites, etc.), the reports need only show the name of the applicant and a description of the land. If the examiner believes the land should be withdrawn for administrative purposes, he should, while on the ground, make a complete examination and survey in accordance with both the instructions for report on agricultural settlement (Form 110) and for the survey of administrative sites.

Applications for the same unsurveyed tract may sometimes be made under apparently different descriptions. For this reason the priority of applicants can not always be determined, and the examiner must include in his report the names of all the applicants on his list who apply for the tract. Should an unsurveyed tract of more than 160 acres be examined, the names of all the applicants



should be included, even if the particular land desired by each applicant can not be determined.

Surveys should be made in accordance with the instructions for the survey of administrative sites, with the following modifications, to avoid confusion and to distinguish homestead surveys from ranger-site surveys. The following system of marks on the initial monuments, corners, and witnesses should be used:

Forest Service monuments should be chiseled or carved F S M H (Cir., Survey of Rangers' Sites); witnessing monuments should be chiseled or carved  $\begin{smallmatrix} M & H \\ W \end{smallmatrix}$ ; corners should be chiseled or carved H, and witnessing corners chiseled or carved W H. When the monument is used as the initial part of the survey, it should be chiseled or carved  $\begin{smallmatrix} M & H \\ W \end{smallmatrix}$  with

the corner marking beneath, thus:  $\begin{smallmatrix} M & H \\ W \\ 1 \end{smallmatrix}$ . Platting on tracing linen will not be required.

Since the final decision as to the action to be taken rests with the Forester, it is necessary that the type of cover of the land be clearly shown on the map accompanying the reports. For this purpose colored crayons will be used for showing classifications in conformity with the Forest Atlas Legend, of which copies have been sent to all Forest officers in the field.

Formulas for preparing the tints were mailed under date of May 8, 1907, and crayons will hereafter be furnished in boxes containing the twelve distinctive colors, and provided with labels showing the number of the pencil to be used for each classification.

The lands it is recommended to list should be clearly

outlined on the maps with a blue-penciled line. The lands for which application is made will be shown by a heavy black line, and the lands reserved for administrative purposes will be shown in red. National Forest boundaries will be shown in green. A description will be given both of the area applied for and that recommended for listing. In every case the classification of cover should appear as a legend on the map.

On surveyed lands where the cover is of value, listing may be recommended in  $2\frac{1}{2}$ -acre rectangular tracts, otherwise the 10-acre tracts should be used (Cir., Survey of Ranger Sites).

The establishment of corners will not be required where it can be conclusively shown in a written report that listing should be denied. But in no case will an unfavorable report be accepted unless the examiner's recommendation is sustained by the chief inspector.

Photographs will usually be of the greatest help and should be taken whenever opportunity affords.

The examination should be conducted in such a manner as to inspire confidence in the examiner's ability. He must be frank and courteous; but since final action can be taken only by the Forester, no statements for or against listing of the land should be made to the applicants.

The examiner's reports must be complete in every detail and contain definite recommendations for or against the listing of the land.

The examiners should be thoroughly familiar with the act of June 11, 1906. Special attention is called to the circular of the General Land Office, September 7, 1906, "Regulations Governing Entries within Forest Reserves."

**Part 4.—RECORD.**

A book of township plats, 2 inches to the mile, upon which to keep a record of applications, will be sent to each supervisor. The method of keeping these records should be uniform, as given below, so that all subsequent applications may be noted from the small transmitting plats without detailed instructions.

Each book is provided with an index page upon which the record is kept. Certain colors are assigned to certain uses and should always be so used. A green line inclosing a space signifies that the land is outside the boundaries of the National Forest and its withdrawals. An outline with the same color and hatched in green denotes that a tract has been listed; an X, that the application has been denied. A red inclosure indicates that the tract has been recommended for withdrawal for administrative purposes, and when hatched in the same color that the withdrawal has been made. The other colors are used indiscriminately for contrast in conflicting applications on irregular tracts of surveyed or unsurveyed land, when the latter can be located with sufficient accuracy to plat them. No colors are used to designate tracts in 40-acre units, and the applicant's number only is inserted in the "forty;" but when less than a "forty" is covered, or the tract is irregular, a contrasting color should be used to distinguish it. When a color is used with any other special meaning, this should be noted briefly on the margin of the plat.

Descriptions of unsurveyed tracts, which can not be entered on the record, will be sent to the supervisors in exact transcript of the description given by the applicant, and the name, address, etc., of the applicant should be entered on the index page of the record. If in the opinion

of the supervisor the description is not sufficiently definite to identify the particular land the applicant wishes examined, the Forester should be informed, and the applicant will be notified.

A monthly report of the status of the agricultural settlement work will be required of each examiner and each supervisor. The blank form for these reports will be furnished on application to the Forester.

The examiner's monthly report should be made out in triplicate. One copy should be sent to the Forester, one to the chief inspector, and one to the supervisor.

The supervisor's monthly report should also be made out in triplicate, one copy to be sent to the Forester, one to the chief inspector, and one to be retained in the supervisor's files.

Care should be taken to fill out the blanks in detail. The number and name of every application received during the month should be noted. If the land applied for is examined during the current month, the date of examination should be given. If the examination is not made until the next or a following month, the number and name of the application should be carried forward, and the date of receipt, examination, etc., should be given.







